

1 THE HONORABLE JAMES L. ROBART
2
3
4
5
6
7
8
9

10
11 UNITED STATES DISTRICT COURT
12 WESTERN DISTRICT OF WASHINGTON
13

14 KATHERINE MOUSSOURIS, HOLLY
15 MUENCHOW, and DANA PIERMARINI,
16 on behalf of themselves and a class of
17 those similarly situated,

18 Plaintiffs,

v.

MICROSOFT CORPORATION,

Defendant.

Case No. 2:15-cv-01483-JLR

**DECLARATION OF ADAM T. KLEIN IN
SUPPORT OF PLAINTIFFS'
OPPOSITION TO DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT**

1 I, Adam Klein, declare:

2 1. I am a partner in the firm of Outten & Golden LLP (“O&G”) in New York, New
3 York.

4 2. I am an attorney in good standing admitted to practice in the State of New York,
5 and *pro hac vice* before this Court.

6 3. Along with attorneys from Lieff Cabraser Heimann & Bernstein LLP and Frank
7 Freed Subit & Thomas, I am one of the attorneys primarily responsible for prosecuting Plaintiffs'
8 claims on behalf of the proposed class.

9 4. I make this declaration in support of Plaintiffs' Opposition to Defendant's Motion
10 for Summary Judgment. I make these statements based on personal knowledge and would so
11 testify if called as a witness.

12 5. During discovery, Plaintiffs identified numerous comparable male employees
13 who were paid more or promoted faster than Plaintiffs. Microsoft referenced the individuals
14 identified by each Plaintiff in its Motion for Summary Judgment, as follows:

15 **Moussouris:** [REDACTED], [REDACTED], [REDACTED], [REDACTED],
16 [REDACTED]

17 **Muenchow:** [REDACTED], [REDACTED], [REDACTED] [REDACTED], [REDACTED]
18 [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]

19 **Piermarini:** [REDACTED], [REDACTED], [REDACTED], [REDACTED]

20 6. Although the dataset Microsoft produced in this case generally did not contain
21 individual employee names but only their employee identification numbers, Plaintiffs' counsel
22 directed Dr. Ruth Gilgenbach to locate the employee identification numbers for each named
23 comparator in the Microsoft produced files MSFT_MOUSSOURIS_00121230.xlsx and
24 MSFT_MOUSSOURIS_00121230.xlsx to the extent the numbers could be located through
25 looking at data of those comparators' known managers (where possible) or where the
26 comparators' known job history was unusual and thus could be discerned by certain dates and
27 events known to the Plaintiffs. For example, these spreadsheets contain a column titled "Reports
28

1 to Full Name,” which contains the names of individual supervisors at Microsoft. This column
2 can be searched for comparators’ names. This spreadsheet also contains a column titled
3 “Reports to Personnel Number,” which provides the employee ID number of each supervisor.
4 Each comparator’s name can be matched to their corresponding ID number within the same row.

7. Using this process, Dr. Gilenbach identified the personnel numbers for [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED].

7 8. I then directed Dr. Gilgenbach to identify the following information from
8 Microsoft's data production for each comparator in each year: stock level, peer group, months at
9 Microsoft, age in years, total compensation, a variable that indicates whether or not the employee
10 was promoted, performance metrics, profession, discipline, standard title, the city and state
11 where the employee works, and an indicator for the employee's gender.

* * *

13 I declare under penalty of perjury under the laws of the United States and the State of
14 New York that the foregoing is true and correct to the best of my knowledge and that this
15 declaration was executed in New York, New York on April 2, 2018.

16

17

Dated: April 2, 2018

Respectfully submitted,

18

19

By: /s/ Adam T. Klein

20

21

OUTTEN & GOLDEN LLP
Adam T. Klein (admitted *pro hac vice*)
685 Third Avenue, 25th Floor
New York, NY 10017
Telephone: (212) 245-1000
Facsimile: (212) 977-4005
E-Mail: ATK@outtengolden.com

24

25

26

27

Attorney for Plaintiffs and the proposed Class

DECLARATION OF ADAM T. KLEIN
CASE NO. 2:15-CV-01483-JLR

1 CERTIFICATE OF SERVICE

2 I hereby certify that on April 2, 2018, a copy of the foregoing document was filed
3 electronically and served by mail on anyone unable to accept electronic filing. Notice of this
4 filing will be sent by e-mail to all parties by operation of the Court's electronic filing system and
5 by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic
6 Filing. Parties may access this filing through the Court's CM/ECF system.

7
8 Dated April 2, 2018

/s/ Adam T. Klein

9 Adam T. Klein
10 Outten & Golden LLP
11 685 Third Avenue, 25th Floor
12 New York, NY 10017

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28